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5   **UNITED STATES DISTRICT COURT**

6   **DISTRICT OF NEVADA**

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8   H. H. Holdings, Inc., *et al.*,   )
)
9   Plaintiffs,   )   Case No. 2:12-cv-01934-GMN-GWF
)
10   vs.   )   **FINDING AND**
)   **RECOMMENDATION**
11   Fremont Hotel and Casino Audit Dept., *et al.*,   )
)
12   Defendants.   )
     _____   )

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14   This matter comes before the Court on Plaintiffs' Application to Proceed in Forma Pauperis

15   (#1) ("Application"), filed on November 9, 2012, and this Court's Order denying the Application

16   (#2), entered on November 15, 2012. The Court denied the Application because Plaintiffs failed to

17   attach the required financial affidavit, and the Court was therefore unable to assess Plaintiffs'

18   ability to pay the filing fee. *See Doc. #2* at 1:16. The Court advised Plaintiffs that failure to

19   provide a complete application or to pay the filing fee by December 15, 2012 would result in a

20   recommendation that Plaintiffs' Complaint (#1-2) be dismissed. *See Id.* at 2:1. Plaintiffs did not

21   submit a complete application to proceed in forma pauperis or pay the filing fee by December 15,

22   2012.

23   **RECOMMENDATION**

24   Because Plaintiffs failed to submit a complete application to proceed in forma pauperis or

25   pay the filing fee by December 15, 2012, it is recommended that Plaintiffs' Complaint (#1-2) be

26   **dismissed** without prejudice.

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NOTICE

2   Under Local Rule IB 3-2, any objection to this Finding and Recommendation must be in

3   writing and filed with the Clerk of the Court within fourteen (14) days. Appeals may been waived

4   due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142

5   (1985). Failure to file objections within the specified time or failure to properly address and brief

6   the objectionable issues waives the right to appeal the District Court's order and/or appeal factual

7   issues from the order of the District Court. *Martinez v. Ylst,* 951 F.2d 1153, 1157 (9th Cir. 1991);

8   *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

9   DATED this 4th day of January, 2013.

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11   _____
                                                         GEORGE FOLEY, JR.

12   United States Magistrate Judge

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